

1 ANTHONY P. CAPOZZI, CSBN: 068525  
2 LAW OFFICE OF ANTHONY P. CAPOZZI  
3 1233 West Shaw Avenue, Suite 102  
4 Fresno, California 93711  
5 Telephone: (559) 221-0200  
6 Facsimile: (559) 221-7997  
7 E-Mail: [anthony@capozzilawoffices.com](mailto:anthony@capozzilawoffices.com)  
8 [www.capozzilawoffices.com](http://www.capozzilawoffices.com)

9 Attorney for Defendant,  
10 STEFAN KIRKEBY

11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13 \*\*\*\*\*

14 UNITED STATES OF AMERICA,  
15 Plaintiff,  
16 v.  
17 STEFAN KIRKEBY,  
18 Defendant.

CASE NO.: 1:22-CR-00228-JLT-SKO

**MOTION TO CONTINUE HEARING  
DATE OF NOVEMBER 3, 2025**

19 Defendant, Stefan Kirkeby, by and through his attorney, Anthony P. Capozzi, requests a  
20 short continuance of the hearing date of November 3, 2025. Said request is based upon the  
21 declaration of Anthony P. Capozzi.

22 I, Anthony P. Capozzi declare:

- 23 1) This attorney substituted in as defendant's counsel on May 12, 2023.
- 24 2) On September 23, 2025 the court granted a continuance to November 3, 2025 for the  
25 sentencing and that the defense file any motion for reconsideration by October 6,  
26 2025.
- 27 3) This attorney is not able to file a motion for reconsideration on October 6, 2025 and  
28 would request an extension to file said motion.

- 4) On Friday, October 3, 2025, this attorney was advised to appear as a witness in U.S. v. Gaviola, case no. 1:22-CR-0233. This attorney spent the weekend retrieving the files and reviewing said files for the court appearance on October 7, 2025.
- 5) On October 6, 2025, additional discovery was turned over to the defense which must be reviewed in preparing the motion.
- 6) Additionally, the Chinese-Mandarin interpreter utilized in this case for the victim is in Hong Kong until November 7, 2025 and will be needed for any future hearings.
- 7) This attorney has spoken to AUSA Montoya regarding these issues. The AUSA is not available on November 10, 2025. The government would not oppose an extension of time to file a Motion to Reconsider to October 20, 2025 with the government responding on November 5, 2025 and the hearing date for sentencing and motion on November 17, 2025.
- 8) If the court is agreeable, it is requested that the defendant be allowed to file a Motion for Reconsideration on October 20, 2025, government reply on November 5, 2025, with a hearing on November 17, 2025.

I declare under penalty and perjury of the laws of the State of California that the foregoing is true and correct.

Executed on the 6<sup>th</sup> of October at Fresno, California.

By: /s/Anthony P. Capozzi.  
ANTHONY P. CAPOZZI, Attorney for  
STEFAN KIRKEBY

**ORDER**

Based upon the request of the defendant, it is hereby ordered that the Motion for Reconsideration be filed by October 20, 2025, the government response by November 5, 2025 and the hearing be held on November 17, 2025.

IT IS SO ORDERED.

Dated: **October 7, 2025**

  
UNITED STATES DISTRICT JUDGE